

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the matter of:

Agnes Minns and Mohamed Elhendi - Plaintiff

WRIT OF MANDAMUS

-against-

Andrea Quarantillo- District Director, USCIS

Robert Mueller- Director, FBI

Michael B. Mukasey- Attorney General, US Dept. Of Justice

Michael Chertoff- Secretary of the Department of Homeland Security

Defendant(s)

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MOHAMMED M. ELHENDI
and
AGNES MINNS

A # 096-616-118

)	WRIT OF MANDAMUS
)	
Plaintiffs)	
)	
v.)	No. _____
)	
ANDREA QUARANTILLO, District Director)	
U.S. Citizenship and Immigration Services)	
)	
ROBERT MUELLER, Director of the)	
Federal Bureau of Investigation)	
)	
MICHAEL B. MUKASEY, Attorney General)	
Of the United States)	
)	
MICHAEL CHERTOFF, Secretary of the)	
Department Of Homeland Security.)	
)	
Defendants.)	
_____)	

I. INTRODUCTION

1. This is a civil action brought by the Plaintiffs, to compel Defendants and those acting under them to take action on the visa petition (INS Form I-130) filed on behalf of Mr. Mohamed Elhendi and the application for adjustment of status (INS Form I-485) filed by Mrs. Agnes P. Minns with Citizenship and Immigration Services (USCIS), and which Defendants have failed to take timely action on.

II. JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 28 USC §1331 (federal subject matter jurisdiction) in conjunction with 28 USC § 1361 (mandamus), the Administrative Procedure Act (APA) (5 USC § 555(b), and the Immigration & Nationality Act and regulations implementing it (Title 8 of the CFR).

3. Under 28 USC § 1331, “(t)he district courts shall have original jurisdiction of all civil action arising under the constitution, laws, or treaties of the United States.” There is jurisdiction under 28 USC § 1361 (mandamus), the Administrative Procedure Act (APA) (5 USC §555(b) and 5 USC §702), and the Immigration & Nationality Act (INA) and regulation implementing it (Title 8 of the CFR).

4. Under 28 USC § 1361, “(t)he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Plaintiff(s).”

5. The APA requires USCIS to carry out its duties within a reasonable time. The provision of the APA that provides this is 5 USC §555(b), which states that “with due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” USCIS is subject to 5 USC §555(b). Mr. Mohamed Elhendi contends that the delays in processing his application for adjustment of status are extremely and exceptionally unreasonable.

6. Both the regulation and the INA provide numerous examples of duties owed by USCIS in the adjustment of status process. 8 USC §1103 states that “[t]he Attorney General *shall* be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens.” (emphasis added.) The code of Federal Regulation further provides that each “[e]ach applicant for adjustment of status under this part *shall* be interviewed by an immigration officer,” 8 CFR §245.6 (emphasis added); and, most importantly, that “the applicant *shall* be notified of the decision of the Director, and, if the application is denied, the reasons for the denial,” 8 CFR §245.2. (emphasis added.) The language of the statute and these regulations is mandatory, not discretionary, and requires the Defendant to adjudicate the adjustment of status application.

7. Venue of this action is proper under 28 USC §1391(e)(3). The Defendant maintains her office in this district and the USCIS office in this district is adjudicating the plaintiffs’ applications.

III. PARTIES

8. Plaintiffs MOHAMED M. ELHENDI (“Mr. Elhendi”) and AGNES P. MINNS (“Mrs. Minns”) are Husband and Wife.

9. Mr. Elhendi is a native and citizen of Egypt. Mrs. Minns has filed a visa petition (Form I-130) on behalf of her husband Mr. Mohamed Elhendi that was filed on August 26, 2005.

10. Mr. Elhendi's application for adjustment of status (Form-I 485) were received by the Defendant on August 26, 2005.

11. Subsequently, one of the Defendant's Examiners interviewed the Plaintiffs concerning their applications on March 21, 2006 and informed that they would hear from the immigration within 15 days of the interview.

12. On October 23, 2006 Mr. Elhendi contacted the USCIS by phone to inquire about his pending case and was informed by letter that the case has been delayed until the background investigation is not complete. Hence on July 17, 2007, Defendants Examiners interviewed the Plaintiffs second time for Adjustment of Status.

13. Shockingly, it has been nearly three years since USCIS has yet to take action on the Plaintiffs application even though the second interview took place (4) months ago.

14. USCIS has not yet provided their attorneys with any information regarding the approval or the denial of the application.

15. Since it is unknown whether any action has ever been taken on the visa petition that Mrs. Minns filed on behalf of her husband, both she and her husband have been named as Plaintiffs.

16. Mr. Elhendi is the proper Plaintiff for the Defendant's failure to act on the visa Petition. Mrs. Agnes is the proper Plaintiff for the Defendant's failure to act on the adjustment of status application.

IV. FACTS

17. Mohamed M. Elhendi is a native and citizen of Egypt. He was born on 12/01/1975.

18. He entered the United States on February 18, 2001, as a visitor on B1/B2 visa. Subsequently, he changed his status to Student visa and he started attending school Southern Connecticut State University, enrolling Masters in Business Administration Program and graduated in May 30, 2005.

19. On June 21, 2005, Agnes P. Minns applied for permanent residency for her husband, Mohammed M. Elhendi after their marriage to each other.

20. On March 21, 2006 Mr. Mohamed M. Elhendi and Agnes P. Minns were interviewed by the Adjudications officer at 26 Federal Plaza, New York, N.Y. At the conclusion of the interview, Officer Lamberson wrote in Mr. Elhendi's passport that the I-485 was pending. . **Marked and Annexed hereto as exhibit "A" is a copy of Mr. Elhendi's passport evidencing the same.**

21. On May 31, 2006, Mr. Mohamed Elhendi through the Congressman Mr. Jerrold Nadler wrote a letter to Mr. Juan Lima Congressional Liaison, Bureau of Citizenship and Immigration Services. **Marked and Annexed hereto as exhibit "B" is a copy of the letter from Congress man dated May 31, 2006 evidencing the same.**

22. On June 5, 2006, Congressman Jerrold Nadler received a response from the Department of Homeland Security stating that Mohamed M. Elhendi's status is still pending due to mandated agency checks. **Marked and Annexed hereto as exhibit "C" is a copy of the letter from the Department of Homeland Security dated June 5, 2006 evidencing the same.**

23. On Oct 3, 2006, an inquiry was filed by Congressman Jerrold Nadler to USCIS requesting an update for Mr. Elhendi's pending status. **Marked and Annexed hereto as exhibit "D" is a copy of the letter from Congress man dated Oct. 3, 2006 evidencing the same.**

24. On October 3, 2006, a response was issued from the Department of Homeland Security to Congressman Naddler's inquiry dated on Oct 3, 2006 in reference to Mohamed M. Elhendi. **Marked and Annexed hereto as exhibit "E" is a copy of the letter from the U.S Department of Homeland Security dated October 3, 2006 evidencing the same.**

25. On October 23, 2006 Mr. Mohamed M. Elhendi called the USCIS to inquire the status about his pending petition and after 6 months on April 24, 2007, he had received a written response informing that there is no decision due to background check. **Marked and Annexed hereto as exhibit "F" is a copy of the USCIS inquiry letter dated April 24, 2007 evidencing the same.**

26. On November 27, 2006 Mr. Mohamed Elhendi called the USCIS to inquire the status about his pending petition and after 4 months on March 28, 2007, he had received a written response informing that his case has been under review. **Marked and Annexed hereto as exhibit "G" is a copy of the USCIS inquiry letter dated March 28, 2007 evidencing the same.**

27. On December 1, 2006 Congressman Jerrold Nadler made another inquiry to the U.S. Department of Homeland Security to check the pending status of Mohamed Elhendi. **Marked and Annexed hereto as exhibit "H" is a copy of the inquiry letter dated December 1, 2006 evidencing the same.**

28. On July 17, 2007 USCIS District Adjudications officer Gleen Kushell , DAO, interviewed Mohamed M Elhendi and Mrs. Agnes Minns at 26 Federal Plaza, New York, NY. **Marked and Annexed hereto as exhibit "I" is a copy of the Adjustment of Status Interview June 15, 2007 evidencing the same.** At the conclusion of the interview, officer Kushell wrote in Mr. Elhendi's passport that I-485 was pending. **Marked and Annexed hereto as exhibit "I 2" is a copy of Mr. Elhendi's passport evidencing the same.** The officer informed Mr. Elhendi that the Defendant would process the case and send a written decision as soon as possible.

29. On November 30, 2006, a response was issued from the Department of Homeland Security to Congressman Naddler's inquiry in reference to Mohamed Elhendi. **Marked and Annexed hereto as exhibit "J" is a copy of the letter from the U.S Department of Homeland Security dated November 30, 2006 evidencing the same.**

30. On October 1, 2007, Mohamed Elhendi received a letter in response to his inquiry dated 9/07/2007 from USCIS stating that his case is still pending due to delay. **Marked and Annexed hereto as exhibit "K" is a copy of the letter dated October 1, 2007 evidencing the same.**

31. On September 14, 2007 Agnes Minns delivered another letter to Gleen Kushell inquiring about the status. **Marked and Annexed hereto as exhibit "L" is a copy of the letter dated September 14, 2007 evidencing the same.**

32. On September 24, 2007 Defendants responded sending a letter from USCIS stating that the application of the Plaintiffs is currently pending fingerprint/security check results. **Marked and Annexed hereto as exhibit "M" is a copy of the letter dated September 24, 2007 evidencing the same.**

33. On November 27, 2007, Mohamed Elhendi received a response in reference to his inquiry to the U.S. Citizenship and Immigration Services for the status of his pending application stating that his case was still delayed due to no decision. **Marked and Annexed hereto as exhibit "N" is a copy of the letter dated November 27, 2007 evidencing the same.**

34. On December 11, 2007 Defendants responded sending a letter from USCIS to the Plaintiff's attorney, Naresh M. Gehi stating that the application of the Plaintiffs is currently pending fingerprint/security check results. **Marked and Annexed hereto as exhibit "O" is a copy of the letter dated December 11, 2007 evidencing the same.**

35. On several occasions Mr. Elhendi contacted the USCIS for the status of his case with the assistance of the Congressman's office but every time they had received the same response stating that the process has been delayed because the case is not ready for the decision, as the

required investigation into your background remains open. **Marked and Annexed hereto as exhibit "P" are copies of the emails evidencing the same.**

36. Neither Mr. Elhendi nor Mrs. Minns, nor have been advised as to the status of the plaintiff's' visa petition and adjustment of status application.

V. REQUEST FOR RELIEF

Unreasonable Delay

37. The allegation contained in paragraphs 1 through 22 above are repeated and re-alleged as though fully set forth herein.

38. Mr. Elhendi and Mrs. Minns have complied with all of the requirements for seeking the visa petition for Mr. Elhendi and the adjustment of status for Mrs. Minns.

39. The Defendants has willfully and unreasonably delayed and has refused to adjudicate the visa petition and application for adjustment of status.

40. The delay in adjudicating the application is not attributable to either Mr. Elhendi or Mrs. Minns.

41. The Defendant owes Mr. Elhendi and Mrs. Minns a duty to adjudicate their visa application and adjustment of status application, respectively, and has unreasonably failed to perform that duty. This duty is owed under the INA and regulations, as well as by the fact that by charging a filing fee, USCIS created for itself an obligation to process and adjudicate their applications.

42. The delay is unreasonable per se.

43. The delay is unreasonable in light of USCIS estimated processing times and releases which claim improved processing times and increased efficiency, and which further indicate that adjustment of status application can be processed in less time now than prior years.

44. The delay is unreasonable in light of the fact that Mr. Elhendi and Mrs. Minns have been interviewed. Since the fact-finding has been completed, there is no reason for any further delays.

45. The delay is unreasonable in light of the fact that upon information and belief, as a result of the delay, Mr. Elhendi will have to be fingerprinted again in order to have his adjustment of status application adjudicated. Since USCIS has made no efforts to fingerprint him again, his case is in an administrative limbo.

46. The delay is unreasonable in light of the fact that upon information and belief, as a result of the delay, Mr. Elhendi will have to undergo another medical exam in order to have his adjustment of status application adjudicated. Since he has no idea when adjudication will take place, he cannot arrange a medical exam (the results of which become worthless after 365 days).

47. The delay is unreasonable in light of the fact that Mr. Elhendi has had to renew his employment authorization document (EAD) three times subsequent of status interview, and further, **his most recent EAD will expire on November 20, 2008.**

48. The delay is unreasonable in light of the fact that USCIS has been unable to adequately respond to any of Mr. Elhendi and Mrs. Minns's inquiries on their applications.

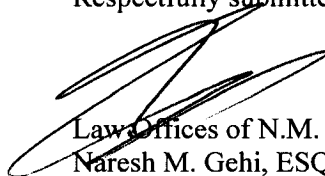
49. By making numerous inquiries' on the status of the application, Mr. Elhendi and Mrs. Minns have exhausted any and all administrative remedies that may exist. No other remedy exists to resolve **Defendants** delay and lack of ability or willingness to adjudicate the Mrs. Minns's visa application and Mr. Elhendi's adjustment of status.

WHEREFORE, and in light of the foregoing, Plaintiffs Mr. Elhendi and Mrs. Minns, pray that the Court:

- A. Assume jurisdiction herein;
- B. Compel the Defendants and those acting under her to perform their duty or duties to adjudicate the visa petition and application for adjustment of status;
- C. Grant such other and further relief, as the court deems appropriate and just;
- D. Grant attorney's fees and costs of court.

Dated this 1st day of February, 2008.

Respectfully submitted,



Law Offices of N.M. GEHI, P.C.
Naresh M. Gehi, ESQ.
Attorney for Plaintiff
118-21 Queens Blvd., Suite 411, 4th Floor
Forest Hills, NY 11375

EXHIBIT 'A'

1

Washington D.C.

2 May 2005

1 May 2006

Consul-General



جمهورية مصر العربية
وزارة الداخلية
مصلحة الجوازات والهجرة والجنسية

برجس وزیر احراجیہ من جہن حصین ان یسمی
خس هذا اجوار بالمرور وان یفتی الہ "عیان وایرادیہ
قلمہ فیضیہ"

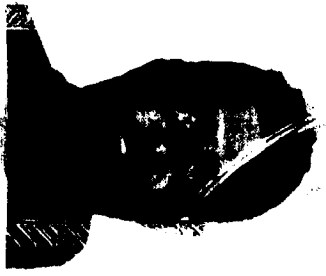
ARAB REPUBLIC OF EGYPT
MINISTRY OF INTERIOR
ADMINISTRATION OF PASSPORTS
IMMIGRATION AND NATIONALITY

The Minister Of Foreign Affairs Requests All Whom It
May Concern To Permit The Bearer Of This Passport
To Pass And Give Him Help And Protection.
Whenever Necessary.

[illegible]

PHOTOGRAPH	
Name of Spouse :	اسم الزوجة :
Place of Birth :	مكان الميلاد :
Date of Birth :	تاريخ الميلاد :
Profession :	مهنة و وظيفة :

Name : Mohamed Mahmoud Elhendy	اسم : محمد محمود (عبد الحدي)
Place of Birth : Cairo Egypt	مكان الميلاد : القاهرة (مصر)
Date of Birth : 1 Dec. 1975	تاريخ الميلاد : 1 ديسمبر 1975
Profession : Holder of a Bachelor Degree in Accounting	مهنة : حامل شهادة البكالوريوس في المحاسبة



10

VISAS

01/11/08

NY

03

VISAS

01/11/08

SECT 245 I 486 CN6
Rendix @ NYC 3/21/06

A 56616118

090 L. LAMBSON

J. J. J.

000000

61

الموقف الخبير

عَنْ مَطْلُوبِ الْمَدِينَةِ
صَاحِبِ خَاتَمِهِ أَرَادَ الْجَزْءَ الْبَكْرِيَّ كَوْنَهُ
الْبَابُ الْوَحِيدُ لِهَوَالِهِ إِلَى - شَرْحِ اعْتِنَاءِ
مَعْنَى ٥٩/١٨ بِأَنَّهَا



2.



CONSULATE GENERAL OF
THE ARAB REPUBLIC OF
EGYPT
NEW YORK

التصليحة المادية
الجمهوريّة مصر العربيّة
في نيويورك

This Passport is valid
till: MAY 01, 2012

Consul General

K. J. J. J.

EXHIBIT 'B'

JUDICIARY COMMITTEE

SUBCOMMITTEES
RANKING MEMBER
CONSTITUTION
COMMERCIAL AND
ADMINISTRATIVE LAW

TRANSPORTATION AND
RASTRUCTURE COMMITTEE

SUBCOMMITTEES:
HIGHWAYS AND TRANSIT
RAILROADS
ASSISTANT WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

May 31, 2006

Mr. Juan Lima
Congressional Liaison
Bureau of Citizenship and Immigration Services
26 Federal Plaza, Room 536
New York, NY 10278

Re: A 96 616 118

Dear Mr. Lima:

I am writing in behalf of my constituent Mr. Mohamed M. Elhendi, 1 River Place, Apt. 703, New York, NY 10036. He is married to a U.S. citizen and has applied for permanent resident status (I-485). Mr. Elhendi was interviewed in connection with the I-485 on March 21, 2006.

Mr. Elhendi is anxious to pursue his application. Clear information regarding the current status of the pending I-485 would be appreciated. Many thanks for your assistance in responding to Mr. Elhendi and his wife.

Sincerely,

JERROLD NADLER
Member of Congress

JN:ew

JERROLD NADLER

8TH DISTRICT, NEW YORK

REPLY TO:

- 1. WASHINGTON OFFICE:
2334 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5635
- 2. DISTRICT OFFICE:
201 VARICK STREET
SUITE 669
NEW YORK, NY 10014
(212) 367-7350
- 3. DISTRICT OFFICE:
445 NEPTUNE AVENUE
BROOKLYN, NY 11224
(718) 373-3198

Web: <http://www.house.gov/nadler>

EXHIBIT 'C'

Congressional Unit

GIVE THIS YOUR IMMEDIATE ATTENTION!



File No: 96616118

Date : 6/5/2006

Ctrl : 06-7644

In Re: ELHENDI, MOHAMED M.

Information requested by : NADLER, JERROLD
201 VARICK STREET SUITE 669 NEW YORK, NY 10014

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

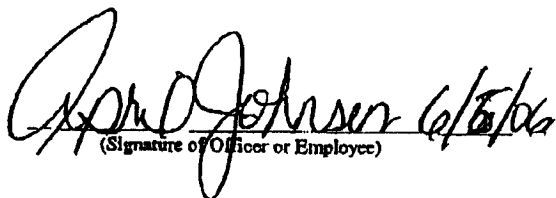
To: CON

Information requested: FOR REVIEW AND RESPONSE, DUE BY 7/5/2006

STATUS OF I-485.

Information furnished:

PLEASE BE ADVISED YOUR CONSTITUENT'S CASE IS PENDING MANDATED AGENCY CHECKS.
UPON RECEIPT OF RESPONSE TO THE SERVICE, THE CASE WILL BE ADJUDICATED ACCORDINGLY.


(Signature of Officer or Employee)

Approved by:


(Signature of Supervisor)

Location:

EXHIBIT 'D'

JUDICIARY COMMITTEE

SUBCOMMITTEES

RANKING MEMBER
CONSTITUTIONCOMMERCIAL AND
ADMINISTRATIVE LAWTRANSPORTATION AND
INFRASTRUCTURE COMMITTEE

SUBCOMMITTEES:

HIGHWAYS AND TRANSIT

RAILROADS

REGIONAL WHIP

Congress of the United States
House of Representatives
Washington, DC 20515

Congressman Jerrold Nadler

201 Varick Street, Suite 669
New York, NY 10014
Phone: (212) 367-7350
Fax: (212) 367-7356

JERROLD NADLER

8TH DISTRICT, NEW YORK

REPLY TO:

☐ WASHINGTON OFFICE:
2334 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5635☐ DISTRICT OFFICE:
201 VARICK STREET
SUITE 669
NEW YORK, NY 10014
(212) 367-7350☐ DISTRICT OFFICE:
445 NEPTUNE AVENUE
COMMUNITY ROOM 2C
BROOKLYN, NY 11224
(718) 373-3198E-mail: jerrold.nadler@mail.house.gov
Web: <http://www.house.gov/nadler/>TO: Congressional Unit USCISFAX: 264. 2269FROM: Ellen WallachDATE: 10/3/06NUMBER OF PAGES (cover included): 1Re: Mohamed Elhend
A 96 616 118I. 485 . Interviewed 3/21/06
Agency checks pending
Need update.

Many thanks

EXHIBIT 'E'

Congressional Unit**GIVE THIS YOUR IMMEDIATE ATTENTION !**

File No: 96616118
Date : 10/3/2006
Ctrl : 07-0073

In Re: ELHENDI, MOHAMED**Information requested by : NADLER, JERROLD****201 VARICK STREET SUITE 669 NEW YORK, NY 10014**

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: CON**Information requested: FOR REVIEW AND RESPONSE. DUE BY 11/2/2006****STATUS OF I-485.****Information furnished:**

PLEASE BE ADVISED THAT ACCORDING TO USCIS RECORDS, APPLICANT'S CASE IS CURRENTLY PENDING SECURITY AGENCY CHECKS. ONCE A RESPONSE IS RECEIVED, APPLICANT WILL BE NOTIFIED BY MAIL OF ALL FURTHER ACTIONS.

[Signature] 10/3/06
(Signature of Officer or Employee)

Approved by:

[Signature]
(Signature of Supervisor)

Location:

EXHIBIT 'F'

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Tuesday, April 24, 2007

MOHAMAD ELHENDI
1 RIVERPLACE
APT 703
NEW YORK NY 10036

Dear MOHAMAD ELHENDI:

On 10/23/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	1485
Filing date:	Information not available
Receipt #:	MSC-05-333-13812
Beneficiary (if you filed for someone else):	ELHENDI, MOHAMAD
Your USCIS Account Number (A-number):	A96616118
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 3 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 'G'

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Wednesday, March 28, 2007

MOHAMED M ELHENDI
1 RIVER PL
APT 703
NEW YORK CITY NY 10036

Dear MOHAMED M ELHENDI:

On 11/27/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	08/31/2005
Receipt #:	
Beneficiary (if you filed for someone else):	ELHENDI, MOHAMED, M
Your USCIS Account Number (A-number):	A096616118
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Your case is currently under review. You will receive a decision or notice of other action.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 'H'

JUDICIARY COMMITTEE

SUBCOMMITTEES:
RANKING MEMBER
CONSTITUTION
COMMERCIAL AND
ADMINISTRATIVE LAW

**TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE**

SUBCOMMITTEES:
HIGHWAYS AND TRANSIT
RAILROADS
REGIONAL WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

Congressman Jerrold Nadler

201 Varick Street, Suite 669
New York, NY 10014
Phone: (212) 367-7350
Fax: (212) 367-7356

JERROLD NADLER
8TH DISTRICT, NEW YORK

REPLY TO:

☐ WASHINGTON OFFICE:
2334 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5635

☐ DISTRICT OFFICE:
201 VARICK STREET
SUITE 669
NEW YORK, NY 10014
(212) 367-7350

☐ DISTRICT OFFICE:
445 NEPTUNE AVENUE
COMMUNITY ROOM 2C
BROOKLYN, NY 11224
(718) 373-3198

E-mail: jerrold.nadler@mail.house.gov
Web: <http://www.house.gov/nadler/>

Congressional Unit
USCIS

TO: _____

FAX: *264. 2269* _____

FROM: *Ellen Wallach* _____

DATE: *12/1/06* _____

NUMBER OF PAGES (cover included): *1* _____

Re: Mohamed Elhendi
A 96 616 118

I. 485 Interviewed 3/21/06
Agency checks pending
Need update.

Many thanks
(S)

EXHIBIT 'I'

Citizenship
Immigration
Services

PRESENT THIS LETTER AT THE WORTH STREET ENTRANCE

Mohamed Elhendi

One River Place # 703

New York, NY 10036

File Number: A96616118

Date: 6/15/2007

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	26 FEDERAL PLAZA NEW YORK, NY 10278	Room No. 8-800	Floor No. 8TH
DATE AND HOUR	7/17/2007 8:00:00 AM		
ASK FOR	IMMIGRATION EXAMINER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS (NOTE: This notice does not represent a decision on motions in any related matters or prior decisions.)		
BRING WITH YOU	SEE ATTACHMENTS		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU. IF YOU ARE UNABLE TO DO SO, STATE YOUR REASON, SIGN BELOW AND RETURN THIS LETTER.

WARNING:

IF YOU CONSIDER DEPARTING FROM THE UNITED STATES TO ANY COUNTRY, INCLUDING CANADA OR MEXICO, BEFORE A DECISION IS MADE ON YOUR APPLICATION, CONSULT WITH THIS OFFICE BEFORE DEPARTURE SINCE A DEPARTURE FROM THE UNITED STATES WILL RESULT IN TERMINATION OF YOUR APPLICATION.

I am unable to keep the appointment because:

SIGNATURE		DATE
-----------	--	------

Attorney Name:

Attorney Address:

Very truly yours,

Andrea Quarantillo
District Director - CIS
New York District

STAPLE HERE
CD Form 1-94 (10/04)

294PT
12/01/75
Mohamed M.
ELHENDI
12/01/75
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05 Sept 2008
9/10/07 12492

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رقم اللجوء

TO ENTER IN
FOR PRINTED
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485 (I-6)
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CAIRO
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EXHIBIT 'J'

12/01/2006 09:47 FAX 2122642269

CONGRESSIONAL

002/002

Congressional Unit**GIVE THIS YOUR IMMEDIATE ATTENTION !**

File No: 96616118

Date : 11/30/2006

Ctrl : **07-1680**In Re: **ELHENDI, MOHAMED**Information requested by : **NADLER, JERROLD****201 VARICK STREET SUITE 669 NEW YORK, NY 10014**☐ Attorney ☐ Congressional ☐ Consulate ☐ OtherInquiry: ☐ Telephone ☐ By Letter ☐ Appeared in personTo: **CON**Information requested: **FOR REVIEW AND RESPONSE. DUE BY 12/30/2006****STATUS RECORD OF I-485.**

Information furnished:

PLEASE BE ADVISED THAT ACCORDING TO USCIS RECORDS, APPLICANT'S CASE IS CURRENTLY PENDING MANDATED SECURITY AGENCY CHECKS. UPON RECEIPT OF A RESPONSE TO THE GARDEN CITY OFFICE, THE CASE WILL BE ADJUDICATED ACCORDINGLY.

Peter S. [Signature] 11/30/06
(Signature of Officer or Employee)

Approved by:

V. Wright-Thompson 12/1/06
(Signature of Supervisor)

Location:

EXHIBIT 'K'

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Monday, October 1, 2007

MOHAMED ELHENDI
1 RIVER PL APT #703
NEW YORK NY 10036

Dear Mohamed Elhendi:

On 09/07/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	1485
Filing date:	08/31/2005
Receipt #:	MSC-05-333-13812
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 'L'

Gleen Kushell
Bureau of Citizenship and Immigration Services
26 Federal Plaza, Room 808
New York, NY 10278

Miss. Agnes Minns
One River Place Apt. #703
New York, NY 10036

Date: September 14, 2007

Re: Case #MSC0533313812

Mr. Kushell, on July 17, 2007, you interviewed me and Mohamed M. Elhendi regarding the case listed above.

You instructed me to follow-up with a letter if I did not hear from you within a 4 week period. As of today, it has been exactly 8 weeks and 3 days since the interview was conducted and I have not heard from you. Consider this the follow-up letter.

Please send any information and advice you have on expediting the case to the address mentioned above. I look forward to hearing from you shortly.

Cordially Yours,

Miss Agnes Patricia Minns

Agnes Minns

CC: Andrea Quarantillo
District Director – CIS
New York District

EXHIBIT 'M'



U.S. Department of Homeland Security
Citizenship and Immigration Services
26 Federal Plaza, Room 8-800
New York, NY 10278

Date: September 24, 2007

Agnes Minns
One River Place, Apt. #703
New York, NY 10036

A#: 96616118

We are in receipt of your inquiry regarding the status of your Application for Permanent Residence of Adjustment of Status that you filed with the New York District Office/ Missouri Service Center on;

A review of our records indicates the following:

- Your application has been received. You will receive an appointment notice upon scheduling instructing you when and where to appear.
X
- Your application is currently pending fingerprint/security check results. You will be notified upon completion of the process.
- Your application is currently pending a new appointment. You will receive an appointment notice in the near future.
- Your application for Permanent Residence / Adjustment of Status has been granted. Your card was produced and mailed to the address on record.
- This office has no record of your application. Please submit proof of submission and payment, it may be in the form of a canceled check, or the results of a tracer on your money order. It must indicate the date it was cashed by the C.I.S.
- We are unable to process your inquiry as submitted. You must provide a copy of your Alien Registration Card or application Receipt number. If you are unable to provide this information, you should obtain an Info Pass at **www.uscis.gov** to make an appointment.
- Your application has been denied. To request a duplicate copy, please submit your G-639 request(s) to: National Records Center, FOIA/PA Office, PO Box 648010, Lee's Summit, MO 64064-8010.

Thank you,
U.S. Citizenship and Immigration Services

EXHIBIT 'N'

U.S. Department of Homeland Security
Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Tuesday, November 27, 2007

MOHAMED ELHENDI
ONE RIVER PLACE, APT 703
NEW YORK NY 10036

Dear Mohamed Elhendi:

On 11/27/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	I485
Filing date:	08/26/2005
Receipt #:	MSC-05-333-13812
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	A096616118
Type of service requested:	Expedite

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 'O'



U.S. Department of Homeland Security
Citizenship and Immigration Services
26 Federal Plaza, Room 8-800
New York, NY 10278

Date: December 11, 2007.

Naresh M. Gehl, Esq.
Attorneys & Counselors at Law
118-21 Queens Blvd., Ste. 411, 4th Fl.
Forest Hills, NY 11375

RE: MINNS, Agnes
A#: 96616118

We are in receipt of your inquiry regarding the status of your Application for Permanent Residence of Adjustment of Status that you filed with the New York District Office/ Missouri Service Center on;

A review of our records indicates the following:

- Your application has been received. You will receive an appointment notice upon scheduling instructing you when and where to appear.
- X**
- Your application is currently pending fingerprint/security check results. You will be notified upon completion of the process.
- Your application is currently pending a new appointment. You will receive an appointment notice in the near future.
- Your application for Permanent Residence / Adjustment of Status has been granted. Your card was produced and mailed to the address on record.
- This office has no record of your application. Please submit proof of submission and payment, it may be in the form of a canceled check, or the results of a tracer on your money order. It must indicate the date it was cashed by the C.I.S.
- We are unable to process your inquiry as submitted. You must provide a copy of your alien Registration Card or application Receipt number. If you are unable to provide this information, you should obtain an Info Pass at www.uscis.gov to make an appointment.
- Your application has been denied. To request a duplicate copy, please submit your G-639 request(s) to: National Records Center, FOIA/PA Office, PO Box 648010, Lee's Summit, MO 64064-8010.

Thank you,
U.S. Citizenship and Immigration Services

EXHIBIT 'P'

Wallach, Ellen

From: NYCONG [nycong@dhs.gov]
Sent: Thursday, November 29, 2007 11:19 AM
To: Wallach, Ellen
Subject: RE: status of I-485

Please advise your constituent that all applicants seeking U.S. Immigration benefits are subject to criminal and national security checks. These investigations require time resources and patience. The USCIS recognizes that the process is slower for some customers. The USCIS is working closely with the FBI and other agencies to speed the background check process. However, the service cannot make a final decision without clearance of the required security checks.

From: Wallach, Ellen [mailto:Ellen.Wallach@mail.house.gov]
Sent: Thursday, November 29, 2007 11:06 AM
To: NYCONG
Subject: status of I-485

11/29/07

To: Congressional Unit
From: Ellen Wallach
Office of Congressman Jerrold Nadler

Re: Mohamed Elhendi
A 96 616 118

Would appreciate update on this I-485. Have been tracking this application since May 2006. Applicant was interviewed in March 2006 and July 2007. Mr. Elhendi anxious to pursue his application. Have security checks been completed? Many thanks for your help in responding to Mr. Elhendi.

11/29/2007

27

Wallach, Ellen

From: Walker, Marvin L [marvin.l.walker@dhs.gov] on behalf of NBC1 Congressional [nbc1.congressional@dhs.gov]
Sent: Thursday, November 29, 2007 10:40 AM
To: Wallach, Ellen
Subject: RE: request for expedite

Hi Ellen,

The case MSC-08-030-20315, A# 96 616 116 form I-765 was approved 11/21/2007 and the card was sent for production 11/27/2007. They should receive the EAD card in 10 to 14 working days.

Marvin L Walker
 Congressional Liaison Specialist
 816-251-2499
 Fax 816-251-2210

"WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator."

From: Wallach, Ellen [mailto:Ellen.Wallach@mail.house.gov]
Sent: Tuesday, November 27, 2007 3:16 PM
To: Congressional, NBC1
Subject: request for expedite

11/27/07

To: Congressional Unit
 From: Ellen Wallach
 Office of Congressman Jerrold Nadler

Re: Mohamed Elhendi
 A 96 616 116
 MSC 08-03020315

Requesting expeditious processing of pending I-765. By way of background, we have been tracking our constituent's application for permanent resident status since May 2006. The immediate problem is the pending I-765. Mr. Elhendi's Employment authorization Document was scheduled to expire in November 2008 and Mr. Elhendi filed an I-765 in early September 2007. Unfortunately, the I-765 was rejected because USCIS concluded that Mr. Elhendi had filed under TPS although he had clearly indicated that the filing was on the basis of a pending I-485. Mr. Elhendi filed a new I-765 on 10/28/07. He subsequently requested that it be expedited inasmuch as more than a month had originally elapsed since the filing of the original I-765. Because of the expiration of his EAD, Mr. Elhendi was terminated from his job on 11/16/07. The above circumstances would appear to warrant the expeditious processing of the pending I-765, for which he was fingerprinted today. Many thanks for your help in responding to the sense of urgency conveyed to us by Mr. Elhendi.

11/29/2007

28

Wallach, Ellen

From: NYCONG [Nycong@dhs.gov]
Sent: Wednesday, October 03, 2007 7:00 AM
To: Wallach, Ellen
Subject: RE: status of I-485

Please advise your constituent all applicants seeking U.S. immigration benefits are subject to criminal and national security checks. These investigations require time, resources and patience. The USCIS recognizes that the process is slower for some customers. The USCIS is working closely with the FBI and other agencies to speed the background process. However, the Service cannot make a final decision without clearance of the required security checks.

From: Wallach, Ellen [mailto:Ellen.Wallach@mail.house.gov]
Sent: Tuesday, October 02, 2007 6:02 PM
To: Nycong
Subject: FW: status of I-485

10/2/07
 Anxious for reply
 Ellen Wallach
 Office of Congressman Jerrold Nadler

-----Original Message-----

From: Wallach, Ellen
Sent: Wednesday, September 05, 2007 3:01 PM
To: 'NYCONG@dhs.gov'
Subject: status of I-485

9/5/07

To: Congressional Unit
 From: Ellen Wallach
 Office of Congressman Jerrold Nadler

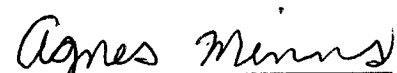
Re: Mohamed Elhendi
 A96 616 118

Would appreciate update on this I-485. Applicant was interviewed 3/21/06 and again on 7/17/07. Was also fingerprinted 7/3/07. Many thanks.

10/3/2007

VERIFICATION

I, Agnes Minns, being duly sworn deposes and states that I am the Applicant in the within action; I am executing this Verification; I have read the Statement of Facts that is being submitted to the USCIS by my attorney and I know the contents thereof; and the same is true to my knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.


Agnes Minns

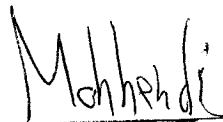
Sworn to before me this on 31st day of January 2008


NOTARY PUBLIC

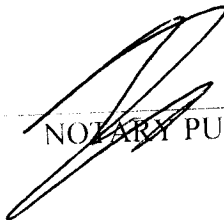
NAPESH MENGHRAJ GEHI
Notary Public, State of New York
No. 02GE6063117
Qualified in Nassau County
Commission Expires August 27, 2009

VERIFICATION

I, Mohammed Elhendi, being duly sworn deposes and states that I am the Applicant in the within action; I am executing this Verification; I have read the Statement of Facts that is being submitted to the USCIS by my attorney and I know the contents thereof; and the same is true to my knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.


Mohammed Elhendi

Sworn to before me this on 9th day of February 2008


NOTARY PUBLIC

NAPESH MENGHRAJ GEHI
Notary Public, State of New York
No. 02GE6063117
Qualified in Nassau County
Commission Expires August 27, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a copy of the foregoing Complaint for a Writ of Mandamus by first-class mail, certified return receipt, postage prepaid, this _____ day of January 10, 2008

Andrea Quarantillo, District Director
US Citizenship & Immigration Services
26 Federal Plaza
NY, NY 10278

Robert Mueller, Director
Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Washington, D.C. 20535-0001

Michael B. Mukasey, Attorney General
US Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20528-0001

Office of the United States Attorney
Southern District of New York
86 Chambers St.
New York, NY 10007

Michael Chertoff, Secretary of the
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Naresh M. Gehi, ESQ.

Naresh M. Gehi, P.C
The Pickman Building
118-21 Queens BLVD., Suite 411, 4th Floor
Forest Hills, NY 11375
(718)-263-5999